

# **PROBATION OVERSIGHT COMMISSION WORKING GROUP MEETING**

**Wednesday, April 27, 2016, 1:00 P.M.**

## **Department of Auditor-Controller Department of Justice Settlement Agreement Monitoring Fact Sheet**

### **Probation Juvenile Camps**

- In October 2008, the County entered into a settlement agreement with the Department of Justice (DOJ) to implement reforms at the juvenile camps.
- In August 2010, the Board of Supervisors (Board) instructed the Auditor-Controller (A-C) to monitor Probation's progress in implementing the settlement agreement.
- Monitoring reviews were conducted quarterly using the monitoring tools developed by Probation and the DOJ Monitor.
- Results were formally communicated to the Board through formal monitoring reports.
- The A-C monitored 23 settlement agreement provisions (descriptions attached) that covered a variety of issues such as:
  - Staff use of force
  - Caring for youth with suicidal and/or self-harming behaviors
  - Rehabilitation programs and care for youth with behavioral and/or substance abuse issues
  - Staff training on suicide prevention, child abuse reporting, and understanding of mental health and developmental disability needs
- In February 2015, the DOJ concluded that the County had implemented all of the settlement agreement provisions.

### **Probation Juvenile Halls**

- In August 2004, the County entered into a settlement agreement with the DOJ to implement reforms at the juvenile halls.
- In December 2004, the Board instructed the A-C to monitor the DOJ settlement agreement provisions for the juvenile halls.
- In October 2009, the DOJ concluded that the County had implemented all of the settlement agreement provisions and at the request of the Chief Executive Officer, the A-C continued to monitor the County's compliance with the 35 provisions.
- Results were formally communicated to the Board through formal monitoring reports.

- Reviews were conducted semi-annually, risk-based, and covered provisions related to various issues such as:
  - The use of physical, chemical, and soft restraints
  - Caring for youth with suicidal and/or self-harming behaviors
  - Youth access to health and mental health services
  - Staff training on suicide prevention, understanding of mental health needs, and proper supervision of youth

### **Additional Questions:**

- What is the ongoing process for overseeing compliance? How is this process maintained in an ongoing comprehensive manner?
  - Camps: The DOJ was responsible for overseeing the County's overall compliance with the settlement agreement provisions. We conducted our quarterly monitoring reviews concurrently with the DOJ's monitoring, and shared our results with them throughout our review process. As noted above, the DOJ concluded their monitoring in February 2015 and we are in the process of issuing our final monitoring report.
  - Halls: As noted above, after the DOJ concluded their monitoring of the juvenile halls, we continued to monitor the settlement agreement provisions semi-annually. The results were shared with management at each individual facility, and with Probation executive management.
- Upon completion of budget, fiscal, and personnel audits to assure compliance with Board approved policies, etc. as stated in the Board motion, who has oversight responsibility of report findings, recommendations, implementation of adopted recommendations and evaluating outcomes?
  - Once issued, the reports are discussed at Audit Committee meetings where Committee members can address the findings and recommendations. In addition, all departments are required to self-report to the A-C the implementation status of audit recommendations annually.
- In auditing the cost-effectiveness of the camps and halls, what methods do you use for the audit? Do you conduct / prepare any longitudinal evaluation to review cost-effectiveness over time? What guidelines do you use to inform this evaluation and your audits?
  - We have not looked at cost-effectiveness in any area. However, we have identified the total operating cost of the camps and halls (see June 24, 2015 report, Probation Department – Budget, Juvenile Halls and Camps Operating Costs, and Departmental Contracting Procedures Review).

- What, if any, recommendations for improvement would you like to see for the audit compliance process? What supports might your unit need to strengthen its ongoing work?
  - As a result of the DOJ concluding their monitoring of the Probation juvenile camps and halls, we have discontinued our monitoring reviews and are in the process of issuing our final report for the juvenile camps.

**Probation Department Juvenile Camps**  
**DOJ Settlement Agreement Provisions Monitored by the A-C**

**Provision 10 – Use of Force:** The County shall develop and implement a comprehensive policy and accompanying practices governing use of force, ensuring that the least amount of force necessary for the safety of staff, youth residents, and visitors is used on youth.

**Provision 11 – Oleoresin Capsicum (OC or Pepper) Spray:** The County shall develop and implement policies, procedures, and practices to restrict the use of OC spray to appropriate circumstances, enable supervisors to maintain appropriate controls over spray use and storage, restrict the carrying of OC spray to only those individuals who need to carry and use it, prevent, wherever possible, the use of OC spray on populations for whom its use is contraindicated or contrary to doctors' instructions, and ensure that decontamination occurs properly.

**Provision 12 – Use of Force Review:** The County shall develop and implement a system for review of use of force and alleged child abuse by senior management so that they can use the information gathered to improve training and supervision of staff, guide staff discipline, and/or make policy or programmatic changes as needed.

**Provision 14 – Consumption of Alcohol by Staff:** The County shall ensure that staff at the Probation camps do not maintain or consume alcohol at the camps.

**Provision 16 – Orientation:** The County shall ensure that all youth, including those who are disabled or Limited English Proficient, receive orientation sufficient to communicate important information, such as how to access the grievance system, medical care, and mental health services, or report staff misconduct.

**Provision 17 – Rehabilitation & Behavior Management:** The County shall provide adequate rehabilitative programming and gender-specific programming, where appropriate. The County shall provide a facility-wide behavioral management system that is implemented throughout the day, including school time.

**Provision 18 – Staff Training and Supervision of Youth:** The County shall ensure that staff who work with youth residents have the knowledge and skills needed to effectively manage youth, including de-escalation techniques, crisis intervention, youth development, and supervision.

**Provision 19 – Reduction of Youth-on-Youth Violence (YOYV):** The County shall develop and implement strategies for reducing YOYV that includes training staff in appropriate behavior management, recognition and response to gang dynamics, and violence reduction techniques.

**Provision 20 – Child Abuse Reporting:** The County shall develop policies, practices, and procedures to define those circumstances in which staff must report allegations of child abuse or neglect to the appropriate external agencies.

**Provision 21 – Child Abuse Investigation:** The County shall develop and implement a system for the timely, thorough, and independent investigation of alleged child abuse. Staff who are the subject of an allegation of child abuse shall be removed from direct youth supervision pending the outcome of the referral or investigation.

**Provision 23 – Grievance System:** The County shall develop an effective grievance system to which youth have access when they have complaints, ensure that grievances may be filed confidentially, and ensure that they receive appropriate follow-up, including informing the author of the grievance about its outcome, and tracking implementation of resolutions. The County shall ensure that the grievance system provides youth with a safe avenue to report abuse, staff misconduct, or unfair treatment.

**Provision 24 – Youth Movement Between Probation Camps and/or Halls:** The County shall ensure that movement of youth residents between facilities does not interfere with ongoing testing or provision of medical, mental health, or educational services at the Probation camps, unless court proceedings, treatment, or security needs require such movement.

**Provision 25 – Development and Implementation of Suicide Prevention Policy:** The County shall develop and implement adequate policies, procedures, and practices relating to suicide prevention.

**Provision 27 – Management of Suicidal Youth:** The County shall develop and implement policies, procedures, and practices to ensure that mental health staff are sufficiently involved with Probation and education staff in the management of youth exhibiting suicidal behaviors, including creation of individual behavior modification programs, and decisions and appropriate clothing, bedding, and housing.

**Provision 29 – Documentation of Suicide Precautions:** The County shall develop and implement policies, procedures, and practices to ensure that the following information is thoroughly and correctly documented, and provide information to all staff who need to know such information: a) the times youth are placed on and removed from precautions; b) the levels of precautions on which youth are maintained; c) the housing locations of youth on precautions; d) the conditions of the precautions; and e) the times and circumstances of all observations by staff monitoring the youth.

**Provision 30 – Supervision of Youth at Risk of Self-Harm:** The County shall sufficiently supervise youth newly assigned to a camp, youth in seclusion, and other youth at heightened risk of self-harm to maintain their safety.

**Provision 31 – Suicide Precautions for Youth Awaiting Transfer to Another Facility:** The County shall develop and implement policies, practices, and procedures

to ensure that adequate suicide precautions are provided to youth who are awaiting transfer to another facility for (mental health) assessment.

**Provision 32 – Training (Suicide Prevention):** The County shall ensure that all camp staff who work with youth are sufficiently trained in suicide prevention so that they understand how to prevent and respond to crises, including practical matters such as the location and use of a cut-down tool in the event of a youth's attempted hanging.

**Provision 34 – Screening:** The County shall develop and implement policies, procedures, and practices for initial mental health screening to allow the identification of previously diagnosed and potentially existing mental health or substance abuse disorders, including potential suicidality. Such screening shall take place within 48 hours prior to a youth's delivery to a camp, or within 24 hours after a youth's arrival at the camp.

**Provision 43 – Substance Abuse:** The County shall develop and implement policies, procedures, and practices to address substance abuse disorders appropriately.

**Provision 45 – Staff Understanding of Mental Health and Developmental Disability Needs:** The County shall ensure that all staff working with youth residents have the skills and information necessary to understand behaviors of, engage in appropriate interactions with, and respond to needs of youth with mental illness and developmental disabilities.

**Provision 46 – Discharge Summaries:** The County shall provide aftercare planning and discharge summaries for youth leaving the facility who have, or have had, open mental health cases at a camp to facilitate treatment in future placements.

**Provision 73 – Increased Access to Community Alternatives:** The County agrees to ensure that treatment and services referenced in the Memorandum of Agreement are provided in the least restrictive setting, consistent with public safety, the best interests of the youth, and the goal of rehabilitation.